

1 **THE UNITED STATES DISTRICT COURT**
2 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
3 **SAN FRANCISCO DIVISION**

4 LAWRENCE GEOFFREY ABRAHAM,
5 ALICE ZHANG, WAYNE TSENG, and
6 JAMAAL CARNEY, individually and on behalf
of all others similarly situated,

7 Plaintiffs,

8 vs.

9 PEOPLECONNECT, INC., a Delaware
10 Corporation,

11 Defendant.
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14 **DECLARATION OF BENJAMIN OSBORN**

15 I, Benjamin Osborn, hereby declare as follows:

16 1. I am an attorney representing the Plaintiffs in this matter.
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18 2. Attached as **Exhibit 1** is a true and correct copy of PCI_CALLAHAN_0000431-
19 35, produced by Defendant in this case, which has been marked CONFIDENTIAL.

20 3. Attached as **Exhibit 2** is a true and correct copy of PCI_CALLAHAN_0000436-
21 48, produced by Defendant in this case, which has been marked CONFIDENTIAL.

22 4. Attached as **Exhibit 3** is a true and correct copy of PCI_CALLAHAN_0000449-
23 57, produced by Defendant in this case, which has been marked CONFIDENTIAL.

24 5. Attached as **Exhibit 4** is a true and correct copy of PCI_CALLAHAN_0000458-
25 60, produced by Defendant in this case, which has been marked CONFIDENTIAL.
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1 6. Attached as **Exhibit 5** is a true and correct copy of PCI_CALLAHAN_0000461-
2 63, produced by Defendant in this case, which has been marked CONFIDENTIAL.

3 7. Attached as **Exhibit 6** is a true and correct copy of the Declaration of Clint Smith
4 filed in this matter on July 27, 2021.

5 8. Attached as **Exhibit 7** is a true and correct copy of the Declaration of Tara
6 McGuane filed as docket number 45-1 in *Mackey v. PeopleConnect, Inc.*, 22-cv-00342 (N.D. Ill.).

7 9. Attached as **Exhibit 8** is a true and correct copy of the transcript of the Rule
8 30(b)(6) deposition of Clint Smith, dated August 2, 2022, which has been marked
9 CONFIDENTIAL.
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11 10. Attached as **Exhibit 9** is a true and correct copy of the transcript of the Rule
12 30(b)(6) deposition of Lindsey Toivola, dated August 2, 2022, which has been marked
13 CONFIDENTIAL.

14 11. Attached as **Exhibit 10** is a true and correct copy of PeopleConnect's "Second
15 Supplemental Responses to Plaintiffs' First Set of Interrogatories," dated July 26, 2022, which has
16 been marked CONFIDENTIAL.
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18 12. Attached as **Exhibit 11** is a true and correct copy of Plaintiff Lawrence Geoffrey
19 Abraham's "Responses and Objections to PeopleConnects, Inc.'s First Set of Interrogatories."

20 13. Attached as **Exhibit 12** is a true and correct copy of Plaintiff Lawrence Geoffrey
21 Abrahams "Responses and Objections to PeopleConnect, Inc.'s First Set of Requests for
22 Admission."
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24 14. I graduated from Harvard Law School in 2010.

25 15. After graduating law school, I was counsel in *In re: Google Buzz Privacy Litig.*,
26 No. 10-cv-00672-JW (N.D. Cal.). I drafted the complaint. Plaintiffs alleged that by automatically
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1 signing up all Gmail users to its newly created social network without their consent, Google
2 violated Gmail users' privacy and incurred statutory damages under the federal Stored
3 Communications Act. Plaintiffs secured a settlement of \$8.5 million for the class.

4 16. From 2011 to 2016, I was a litigation associate at Cravath, Swaine & Moore LLP
5 in New York. Cravath uses a rotational system that provides its associates exposure to a wide
6 variety of case types. I represented clients in litigations of many types, including antitrust, patent,
7 trademark, and contract law.

8 17. From 2017 to 2020 I was an investment associate at Bridgewater Associates, a
9 hedge fund in Westport, Connecticut.

10 18. In 2020 I founded the Law Office of Benjamin R. Osborn. I am the sole member of
11 my firm. For the past two years my practice has been dedicated to the defense of individuals' rights
12 against companies that misappropriate names and likenesses without consent to advertise
13 commercial products and services.

14 19. I am counsel in a number of active cases asserting class claims under state right of
15 publicity statutes against websites that use individuals' personal information without permission
16 to advertise subscriptions. Through my work in these cases, I have briefed and/or argued over a
17 dozen motions to dismiss or strike, all but one of which resulted in favorable rulings for my clients.
18 I have also briefed, and in one case argued, several Circuit Court appeals, one of which resulted in
19 a favorable ruling for my clients, and one of which the defendant voluntarily dismissed.

20 20. The relevant cases in which I am counsel include: *Batis v. Dun & Bradstreet*, 3:22-
21 cv-01924-MMC (N.D. Cal.); *Bonilla v. Ancestry*, 20-cv-7390 (N.D. Cal.); *Boshears v.*
22 *PeopleConnect*, 21-cv-01222-MJP (W.D. Wash); *Callahan v. Ancestry*, 20-cv-087437 (N.D.
23 Cal.); *DeBose v. Dun & Bradstreet*, 22-cv-00209 (D. N.J.); *Fry v. Ancestry*, 22-cv-00104 (N.D.
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1 Ind.); *Gbeintor v. InsideView*, 21-cv-09470 (N.D. Cal.); *Izzo v. PeopleConnect*, 22-cv-00016 (W.D.
2 Wash); *Kellman v. Spokeo*, 21-cv-08976 (N.D. Cal.); *Mackey v. PeopleConnect*, 21-cv-08976
3 (N.D. Cal.); *Martinez v. ZoomInfo*, 21-cv-05725 (W.D. Wash); *Spinder v. Seamless.ai*, 22-cv-
4 00787 (N.D. Cal.); *Sessa v. Ancestry*, 20-cv-02292 (D. Nev.); *Uharriet v. MyLife*, 21-cv-08229
5 (N.D. Cal.); and *Wilson v. Ancestry*, 22-cv-00861 (S.D. Oh.).

6 21. Through my work on these cases, I have become well versed on legal issues
7 relevant to this case.
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10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct to the best of my knowledge.
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13 Executed this 5 day of August, 2022.
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17 Benjamin R. Osborn
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